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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91170323
Party	Defendant Chicago Climate Exchange, Inc. Chicago Climate Exchange, Inc. 190 S. LaSalle Street 8th Floor Chicago, IL 60603
Correspondence Address	MARK J. DILIBERTI FOLEY & LARDNER LLP 777 E. WISCONSIN AVE., STE. 3800 MILWAUKEE, WI 53202-5306
Submission	Answer
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Date	05/19/2006
Attachments	91170323 Answer.pdf (4 pages)(17389 bytes)

Paragraph 3: Applicant denies the allegations of Paragraph 3 to the extent they relate to the purported conclusive evidentiary weight of the Opposer's marks and/or registrations. Applicant admits that Opposer attached what appears to be printouts from the online records of the federal Trademark Office as Exhibit A to the Notice of Opposition. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 3 and therefore denies the same.

Paragraph 4: Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 and therefore denies the same.

Paragraph 5: Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 and therefore denies the same.

Paragraph 6: Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6 and therefore denies the same.

Paragraph 7: Applicant admits that it is the owner of Serial No. 78/574,496 for NEW YORK CLIMATE EXCHANGE for "commodity exchange services, namely, dioxide and other greenhouse gas emissions exchange services that facilitate the trading or sale of carbon dioxide and other greenhouse gas emissions allowances and offsets between business and other market participants" in International Class 36. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 7 and therefore denies the same.

Paragraph 8: Applicant admits the allegations in Paragraph 8.

Paragraph 9: Applicant admits that registration of a mark on the Principal Register is constructive notice of the registrant's claim of ownership thereof. Applicant admits that it has general knowledge of Opposer. Applicant denies the remaining allegations of

Paragraph 9 to the extent they relate to the purported relevance or significance of Opposer's marks and registrations and Applicant's knowledge thereof.

Paragraph 10: Applicant denies the allegations of Paragraph 10 insofar as they suggest that Applicant requires Opposer's authorization or approval to use or apply to register NEW YORK CLIMATE EXCHANGE. Applicant admits the remaining allegations of Paragraph 10.

Paragraph 11: Applicant denies the allegations of Paragraph 11.

Paragraph 12: Applicant denies the allegations of Paragraph 12.

Paragraph 13: Applicant denies the allegations of Paragraph 13.

Paragraph 14: Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 14 and therefore denies the same.

Paragraph 15: Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 15 and therefore denies the same.

Paragraph 16: Applicant denies the allegations of Paragraph 16.

Paragraph 17: Applicant denies the allegations of Paragraph 17 insofar as they suggest that Applicant requires Opposer's authorization or approval to use or apply to register NEW YORK CLIMATE EXCHANGE. Applicant admits the remaining allegations of Paragraph 17.

Paragraph 18: Applicant denies the allegations of Paragraph 18.

Paragraph 19: Applicant denies the allegations of Paragraph 19.

Paragraph 20: Applicant denies the allegations of Paragraph 20.

Paragraph 21: Applicant denies the allegations of Paragraph 21.

Paragraph 22: Applicant denies the allegations of Paragraph 22.

Paragraph 23: Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 23 and therefore denies the same.

Paragraph 24: Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 24 and therefore denies the same.

Paragraph 25: Applicant denies the allegations of Paragraph 25.

Paragraph 26: Applicant denies the allegations of Paragraph 26.

Paragraph 27: Applicant denies the allegations of Paragraph 27.

Paragraph 28: Applicant denies the allegations of Paragraph 28.

Paragraph 29: Applicant denies the allegations of Paragraph 29.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed and the application be passed to Allowance.

Respectfully submitted,

FOLEY & LARDNER LLP

Dated: May 19, 2006

By /apaltman/
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